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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,784	10/16/2001	Toshiyasu Ito	04208.0112	8751

22852 7590 10/18/2005

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EXAMINER

FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,784

Applicant(s)

ITO ET AL.

Examiner

Felix O. Figueroa

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

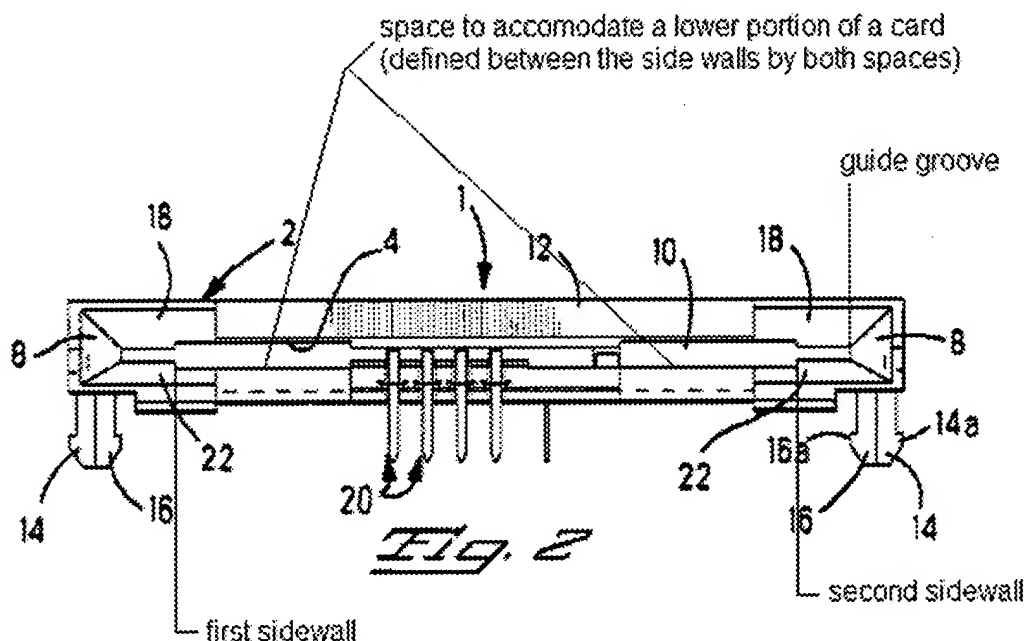
Claims 1, 2, 5-8, 11, 12, 14-22 and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Asakawa (US 6,135,809).

Asakawa discloses a card connector configure to hold a first card and configure to hold a second card, and comprising: a pair of guide grooves (see following figure) formed on both sidewalls of a connector housing (2); and first and second sidewalls (see following figure), and a base plate with a plurality of contact terminals (20) arranged in the base plate to couple with contact of a bottom surface of a card. Asakawa also discloses a first space defined between the guide grooves, and a second space defined by the sidewalls; wherein no portion of the base extends into the second space; the second space (see following figure) located below the first space, and the second space configure to accommodate a lower portion of a first card.

Please note that the recitation that an element is "configured to" perform a function is not a positive limitation but only requires the ability to so perform. In this case, Asakawa discloses a second space that can accommodate the lower portion of an

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appropriate first card. Additionally, it is noted that recitations of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).



Please note that the space is defined by both spaces as shown in the earlier presented figure.

Regarding claims 2, 12 and 22, Asakawa discloses the sidewalls formed at such locations that they can guide the side surfaces of a lower body portion of a first card (C).

Regarding claims 5, 6, 15, 25 and 26, Asakawa discloses a housing top plate that forms upper walls of the guide grooves is formed with an opening / a recess

(adjacent 12) having a width larger than a lower body portion of a first card, i.e. a least the same size as the separation between the side walls.

Regarding claims 7, 8, 11, 17, 18, 27 and 28, please note that the terminals 50 work as a braking piece.

Regarding claims 14, 16, 19, 20, 29 and 30, Asakawa discloses a housing top plate that forms upper walls of the pair of guide grooves is formed with an opening having a width larger than that of the lower body portion of the first card; and the housing top plate forming upper walls of said pair of guide grooves being formed with a recess having a width larger than that of the lower body portion of said first card and receding in the height direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 9, 10, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asakawa in view of Horie (US 6,231,360).

Asakawa discloses substantially the claimed invention except for the eject mechanism. Horie teaches a card connector having an ejector mechanism (11) to help withdraw a card from the socket. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to from the card connector of

Asakawa having an ejector mechanism, as taught by Horie, to help withdraw a card from the socket.

Regarding claim 4, Asakawa discloses the braking piece secure to a position which is far part of the guide groove.

Response to Arguments

Applicant's arguments filed August 9, 2005 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Asakawa does not teach a second space 'defined by said first and second side walls' where 'no portion of said base plate extends into said second space' because "partitions 28, which comprise portions of the base plate of housing 2, sit between the alleged first and second side walls", please note that the fact that the partition 28 sit between the first and second side wall does not means that it "extends into" the second space. Please note that in the figure above, the space is defined by both spaces as shown. Accordingly, partitions 28 do not extend into the space itself, as defined.

In response to Applicant's arguments Asakawa is not "configured to accommodate the lower body portion of said first card," because "protrusions, labeled A and B in the figure below [page 14 of the remarks], prevent Asakawa from receiving cards having different thicknesses, and demonstrate that Asakawa's card connector is not intended to accommodate such cards", please note that Asakawa can receive cards with different thicknesses, which for example has an indent or recess to accommodate the protrusions pointed out by the Applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THO D. TA
PRIMARY EXAMINER